

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 41C 103758-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: DON TOLSON
793 ORCHARD DR
HAMILTON, MT 59840

Priority Date: OCTOBER 31, 1865

Enforceable Priority Date: OCTOBER 31, 1865

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 1.88 CFS

THE OWNERS OF THE WATER RIGHTS LISTED BELOW HAVE AN UNDIVIDED INTEREST IN A SINGLE WATER RIGHT FOR 1.88 CUBIC FEET PER SECOND (75 MINER'S INCHES). THE COMBINED FLOW RATE OF THESE RIGHTS SHALL NOT EXCEED 1.88 CUBIC FEET PER SECOND. THESE WATER RIGHTS ARE GOVERNED BY A ROTATIONAL USE AGREEMENT FILED WITH THE WATER COURT ON FEBRUARY 7, 1996. W023588-00, W103758-00.

Maximum Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 44.00

Source Name: MILL CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESENE	26	4S	5W	MADISON

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Period of Use: APRIL 1 to OCTOBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	44.00		SW	26	4S	5W	MADISON

Total: 44.00

Geocodes/Valid:	25-0593-26-3-11-01-0000 - Y	25-0593-26-3-11-02-0000 - Y
	25-0593-26-3-11-03-0000 - Y	25-0593-26-3-11-04-0000 - Y
	25-0593-26-3-11-05-0000 - Y	25-0593-26-3-11-06-0000 - Y
	25-0593-26-3-11-07-0000 - Y	25-0593-26-3-11-08-0000 - Y
	25-0593-26-3-11-09-0000 - Y	25-0593-26-3-11-10-0000 - Y
	25-0593-26-3-11-11-0000 - Y	25-0593-26-3-11-12-0000 - Y
	25-0593-26-3-11-13-0000 - Y	25-0593-26-3-11-14-0000 - Y
	25-0593-26-3-11-15-0000 - Y	25-0593-26-3-12-01-0000 - Y
	25-0593-26-3-12-02-0000 - Y	25-0593-26-3-12-03-0000 - Y
	25-0593-26-3-12-04-0000 - Y	25-0593-26-3-12-05-0000 - Y
	25-0593-26-3-12-06-0000 - Y	25-0593-26-3-12-07-0000 - Y
	25-0593-26-3-12-08-0000 - Y	25-0593-26-3-12-09-0000 - Y
	25-0593-26-3-12-10-0000 - Y	25-0593-26-3-12-11-0000 - Y
	25-0593-26-3-12-12-0000 - Y	25-0593-26-3-12-13-0000 - Y
	25-0593-26-3-12-14-0000 - Y	25-0593-26-3-12-15-0000 - Y

25-0593-26-3-12-16-0000 - Y	25-0593-26-3-12-17-0000 - Y
25-0593-26-3-12-18-0000 - Y	25-0593-26-3-12-19-0000 - Y
25-0593-26-3-12-20-0000 - Y	25-0593-26-3-12-21-0000 - Y
25-0593-26-3-12-22-0000 - Y	25-0593-26-3-12-23-0000 - Y
25-0593-26-3-12-24-0000 - Y	25-0593-26-3-12-25-0000 - Y
25-0593-26-3-15-01-0000 - Y	25-0593-26-3-15-03-0000 - Y
25-0593-26-3-15-04-0000 - Y	25-0593-26-3-15-10-0000 - Y
25-0593-26-3-15-20-0000 - Y	25-0593-26-3-15-25-0000 - Y
25-0593-26-3-15-30-0000 - Y	25-0593-26-3-15-35-0000 - Y

Remarks:

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 124145 RECEIVED 02/14/2004.

OWNERSHIP UPDATE TYPE DOR # 145633 RECEIVED 07/27/2016.

THIS CLAIM PRESENTS ISSUES OF FACT AND LAW THAT MAY BE ADDRESSED AT THE OBJECTION STAGE. IT APPEARS THAT 40.0 ACRES ARE ACTUALLY IRRIGATED AND PROBLEMS COULD EXIST WITH FLOW RATE AND VOLUME. TO ASSURE THE ORDERLY ADMINISTRATION OF WATER RIGHTS, THE WATER COURTS WILL SET A HEARING TO DETERMINE THESE ISSUES IF NO OBJECTIONS ARE MADE.